



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

**CRP No.3036 of 2024
and CMP No.16337 of 2024**

1. SARASWATHI

W/o. Late K.Selvaraj,
Residing at No.18/32,
T.V.Karuppusamy Nagar, Meena Estate,
Udayampalayam, Sowripalayam,
Coimbatore.

2. Amsaveni

W/o. Late R.Thangavelu,
Residing at Old No.8/96, New
No.8/880, Trichy Road,
Ramanathapuram, Coimbatore.

3. Gnanambal

W/o. S.Manickam,
Residing at No.8/96, New No.8/880
Trichy Road, Ramanathapuram,
Coimbatore.

4. Vijayalakshmi

W/o.Elango,
Residing at No.1/56, Saraswathi Stores
Opposite, Trichy Road, Sulur,
Coimbatore.

Petitioner(s)



Vs

1.DR.ELAVARASAN

WEB S/o. Narayanasamy,
Residing at No.27,
Ulunderpettai Road,
Viruthachalam,
Cuddalore.

2.Rajammal

W/o. Karuppusamy,
Residing at No.880,
Maruthur, Trichy Road,
Ramanathpuram,
Coimbatore.

Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India
against the fair and decreetal order dated 27-03-2024 passed in I.A.No.04 of
2023 in O.S.No.483 of 2013 on the file of the II Additional Subordinate Court,
Coimbatore.

For Petitioner(s): Mr.K.Vasanthanayagan

For Respondent(s): Mr.T.Arunkumar for R1
Mr.C.Ruban D Silva for R2



ORDER

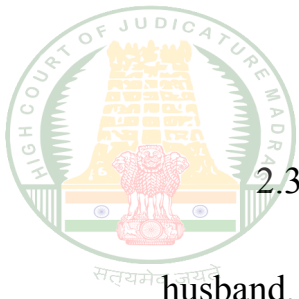
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Challenging the order impleading the *pendente lite* purchaser as the second plaintiff in the suit, this civil revision petition has been filed.

2. The brief facts of the case are set out below:

2.1 The defendants are the revision petitioners before this court. The second respondent, who is the plaintiff, had filed a suit O.S.No.483 of 2013 on the file of the II Additional Subordinate Court, Coimbatore, for declaring her as the absolute owner of the suit property and to deliver the possession of the front portion of the suit property.

2.2 It is the case of the plaintiff that the property was purchased by her father-in-law Irulappa Devar, who had executed a will dated 03.05.1979 bequeathing the property in favour of Karuppusamy, husband of the plaintiff. The plaintiff's father in law passed away on 09.08.1985 and on his death, her husband had become the absolute owner of the property, as per the last will and testament of her father-in-law. Thereafter, her husband had passed away on 16.08.1993 leaving behind the plaintiff as his legal heir.



2.3 The defendants are none other than the sisters of the plaintiff's husband, who have nothing to do with the suit property. As the plaintiff did not have any support, she had permitted the defendants 2 and 3 to reside in the property and she had also permitted them to collect rent from the front portion in the ground floor. Taking advantage on this, the defendants created title to the property. Hence, the suit.

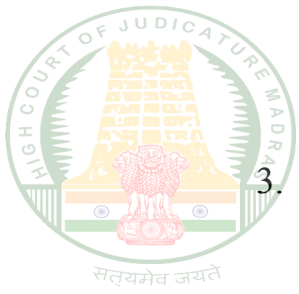
2.4 The defendants had filed a written statement. The defendants would admit the purchase by their father, will executed in favour of their brother and the death of both their father as well as their brother. They would submit that on the death of Irulappa Devar, Karuppusamy had become the absolute owner of the property. The defendants would further submit that the plaintiff and her husband Karuppusamy did not have any children and as they did not have any children Karuppusamy had executed a registered will in favour of the defendants in respect of the suit property on 18.01.1991 and on his death that registered will came into force.

2.5 The defendants would further submit that the original will is in the custody of the fourth defendant. They had also got the revenue records mutated



on the basis of the will. They denied the allegations that they were put in permissive accommodation of the property in question. Therefore, they sought for dismissal of the suit.

2.6 The first respondent herein pending the suit had come forward to file an application in I.A.No.4of 2023 in O.S.No.483 of 2013 seeking to implead himself as a party in the suit. As the plaintiff in the suit, he would submit that he had purchased the property from the plaintiff after the *ex parte* decree had been passed originally in the above suit O.S.No.483 of 2013. Thereafter, the defendants had filed an application for setting aside the *ex parte* decree. It is also the contention of the first respondent that the defendants had filed O.S.No.67 of 2021 on the file of the II Additional Subordinate Court, Coimbatore, seeking declaration. In the said suit, the defendants have deemed it fit to implead the first respondent herein. Therefore, he came forward with the application to implead himself as the second plaintiff in suit O.S.No.483 of 2013 and the same was allowed considering the fact that he has purchased the share of the plaintiff.



3. Heard the learned counsel on both sides.

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4. The defendants would question the impleadment of the first respondent herein as the plaintiff in the suit and they would submit that he cannot, without proving his title, be impleaded as a party in the suit. Though the first respondent herein is a *pendente lite* purchaser, it is seen that in a connected suit filed by the defendants, the first respondent herein had made a a party. The plaintiff, who is the *dominus litis* has not objected to impleading the respondent herein as the second plaintiff. The fact that in the connected suit, first respondent herein has made as a party, it naturally follows that he should also be made as a party in the present suit.

Accordingly, this civil revision petition is dismissed. No costs. Connected C.M.P. is closed.

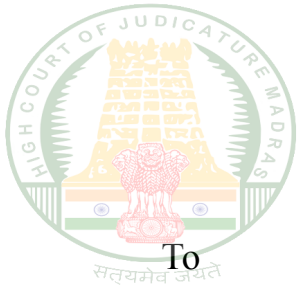
09-04-2025

nsd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes; Neutral Citation: Yes/No



To

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